

**ANNUAL REPORT
OF THE
PROBATE CODE STUDY COMMISSION**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

October, 2007

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

I. STATUTORY DIRECTIVE

The Indiana General Assembly enacted legislation (IC 2-5-16) directing the Commission to study and recommend to the General Assembly needed changes in the following:

- (1) The probate code (IC 29-1).
- (2) The trust code (IC 30-4).
- (3) Other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries.

II. SUMMARY OF WORK PROGRAM

The Commission met two times during the 2007 interim session on October 4 and October 18. The Commission considered and adopted the following preliminary drafts (PDs):

- PD 3105 concerning funeral planning.
- PD 3114 concerning the signing of a power of attorney.
- PD 3116 concerning the delegation of parental authority.
- PD 3268 concerning the abatement of beneficiary interests when a trust has insufficient assets to fully satisfy all beneficiary interests.
- PD 3270 concerning access to safe deposit boxes.
- PD 3275 concerning property tax benefits for qualified personal residence trusts.

Before adopting PD 3116, the Commission agreed to change the maximum period of the parental delegation of authority from six months to twelve months and to specify that the delegation is subject to the parent's ability to revoke the delegation

Additional details of the Commission's proceedings are available in the meeting minutes for the Commission, which can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.